

IR and the state of nature: the cultural origins of a ruling ideology

Article (Published Version)

Jahn, Beate (1999) IR and the state of nature: the cultural origins of a ruling ideology. Review of International Studies, 25 (3). 411 - 34. ISSN 0260-2105

This version is available from Sussex Research Online: <http://sro.sussex.ac.uk/id/eprint/12391/>

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

Copyright and reuse:

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Review of International Studies

<http://journals.cambridge.org/RIS>

Additional services for *Review of International Studies*:

Email alerts: [Click here](#)

Subscriptions: [Click here](#)

Commercial reprints: [Click here](#)

Terms of use : [Click here](#)



IR and the state of nature: the cultural origins of a ruling ideology

BEATE JAHN

Review of International Studies / Volume 25 / Issue 03 / July 1999, pp 411 - 434

DOI: null, Published online: 08 September 2000

Link to this article: http://journals.cambridge.org/abstract_S0260210599004118

How to cite this article:

BEATE JAHN (1999). IR and the state of nature: the cultural origins of a ruling ideology. Review of International Studies, 25, pp 411-434

Request Permissions : [Click here](#)

IR and the state of nature: the cultural origins of a ruling ideology

BEATE JAHN*

Abstract. This article argues that the modern concept of the state of nature as the defining claim of IR theory was developed in the course of the intercultural/international encounter between the Spaniards and the Amerindian peoples after the discovery of America. The analysis of the Spanish debate at the time demonstrates that the concept of the state of nature was itself the product of a highly charged moral discourse. Its continuous and unreflected use in the discipline of International Relations, where it supposedly describes a precultural, presocial, premoral condition between states, therefore hides the cultural, social and moral meanings the concept carries with it and suppresses a normative discourse of International Relations past and present.

States exist in a state of nature. This is the defining claim of IR theory, its very *raison d'être*, for it implies that the relationship between states is presocial and precultural, that society has not spread into the realm of interstate relations (yet).¹ This claim is the basis for the distinction between inside and outside, between national politics as 'the realm of authority, of administration, and of law' and international politics as 'the realm of power, of struggle, and of accomodation'.² The assumption of a state of nature in its blank universality is experienced and cited as the fundamental obstacle to either a sociological or a cultural or a normative analysis of the relations between states. While political theory deals with the 'authentic politics within', IR deals with mere 'relations between states'.³ So central is this assumption of the existence of a state of nature between states that it is shared by the two most influential schools of thought in IR, Liberalism and Realism, who differ only with respect to the question of whether this state of nature should be reformed and overcome or lived with.

* I would like to thank the referees of the Review of International Studies for their comments on this article. Among other places, I have presented the argument at a colloquium of the University of Bremen. My thanks to the members of this colloquium who have responded not only with a wonderfully lively discussion but also with the most intelligent and encompassing critique and recognition for this project. Last but not least, I am grateful to Justin Rosenberg for countless discussions on the subject.

¹ Martin Wight, for example, holds that 'at the heart of international theory itself' we find 'the identification of international politics with the precontractual state of nature' and the distinguishing feature of this state of nature is taken to be the absence of government or that situation in which 'men live without a common power to keep them all in awe' as Wight relates quoting Hobbes (Martin Wight, 'Why is There no International Theory?', in Herbert Butterfield and Martin Wight (eds.), *Diplomatic Investigations* (London: Allen & Unwin, 1966), pp. 30f). And it is this difference between domestic and international politics which justifies International Relations as a discipline separate and distinct from political theory.

² Kenneth Waltz, 'Anarchic Orders and Balances of Power', in Robert O. Keohane (ed.), *Neorealism and its Critics*, (New York: Columbia University Press, 1986), p. 111.

³ Rob Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 20.

In this article I will demonstrate that both the cultural anonymity of the idea of the state of nature and the idea that it describes a domain of human life untamed by society are deceptive.⁴ For the idea of the state of nature *as a concrete historical condition of mankind* was developed in the course of the intercultural encounter between the Spaniards and the Amerindian peoples after the discovery of America. In this modern sense, it should therefore be understood not as a condition which existed before the emergence of those social and cultural bonds which are the basis of moral discourse: rather it is itself the product of a particular historical event and, hence, already highly charged with cultural, sociological, and ethical meanings waiting to be deciphered. The analysis in the first part of the article will show that the discovery of the Amerindian peoples was experienced as a major challenge to the culturally specific world view of the Spaniards; and it describes the steps the latter took to integrate this new phenomenon into their understanding of the world. The postulate of a state of nature which the Amerindians supposedly represented eventually seemed to solve the problem.⁵ The second part of this article will show how this idea of a state of nature became the corner stone of the most pervasive and culturally distinctive ideology of the modern world; for it subsequently underpinned a universalist redefinition of political community in classical European political theory which simultaneously naturalized the culturally peculiar path of Western development based on private property and state-formation. Furthermore, the distinction between inside and outside, between political theory and international relations was also introduced as a result of this new concept of an authentic political community, based on the state of nature and in accordance with natural law.⁶

Our understanding of political thought as an endogenous European development which has not (yet) reached the international sphere has in fact become so pervasive that even those authors who deplore this, who succeed in tracing its origins to early modern Europe, and who call for the replacement of the term 'international relations' by 'world politics'—representing the possibility of meaningful social action between political communities—so far have not searched for its origins outside Europe.⁷ In this article I will argue that it was actually a 'world politics' event, the international/intercultural encounter between the Spaniards and the

⁴ The state of nature, as I will show in the following pages, is presented by classical political theorists and contemporary IR theorists alike as culturally anonymous in two ways. On the one hand, it supposedly describes or hypothesizes an original historical condition of mankind which was precultural, i.e. in which human beings lived according to the laws of nature without yet having developed culture(s) in the form of government, law, institutions etc. On the other hand, this state of nature is presented as a universal starting point for all of humanity. Hence, the concept itself claims to be culturally anonymous in the sense that it is precultural as well as in the sense that it applies universally.

⁵ The concept of the state of nature itself was, of course, not a creation of the 16th century Spanish authors but had in fact been a crucial element of European political thought throughout the Middle Ages. Hence, it represents an important element of cultural continuity in European political thought and could, indeed, only for this reason function as the basis for a Spanish consensus. I am not, therefore, arguing that the Spaniards have invented this concept but rather that they have reinterpreted it as a result of the necessary integration of the Amerindians into a European *Weltanschauung*. In the course of this process, which stretched over half a century, the state of nature was for the first time interpreted as a concrete historical condition characterizing actually existing communities.

⁶ See the beginning of part 2 of this article for a discussion of the different conceptions of a state of nature among classical European authors and the relevance (or irrelevance) of these differences for the argument I am developing.

⁷ Walker, *Insidel/Outside*, pp. 16, 20.

Amerindians, which shaped the subsequent development of what we now know as European political thought. The ideas which were imported from this international conflict, and which developed into a theory of legitimate political community within the state and the state of nature between states, were subsequently exported again into the international sphere. There, ever since their original development they have been used to rank all non-European societies according to their cultural achievements, and have established a realm in which—in contrast to the realm of the state—‘might is right’. By returning to the real political struggle at the beginning of this development and by providing a cultural analysis of these supposedly universal, precultural forms, we can open up the possibility of a normative discourse of IR which its representation of a state of nature has suppressed.

‘Discovering’ the state of nature

The existence of the Amerindians—which had never been mentioned in the authoritative texts of the Spaniards—implicitly was a challenge to the Spanish cultural framework. It forced the Spaniards to grapple with an ontological rather than just a political or legal question: What was the nature of these Amerindians; were they human beings at all?⁸

In a first attempt to establish the nature of the Amerindians the Spaniards tried to apply Aristotle’s concept of natural slavery according to which peoples without reason could not have *dominium*—that is power/property *de facto* and *de jure*—over their own bodies, their fellow beings, or the material world.⁹ For Aristotle, people with a body like other humans but without reason lacked the capability to live a genuine human life—that is a life within the *polis*—and, therefore, were designed by nature to be slaves who, under the guidance of real men, would be delivered from their brute form of life and given the only chance to live as humane a life as was possible for them.¹⁰ According to the Spanish belief, reason was the capability to understand the laws of nature and to apply this knowledge in the way men dealt with nature and with one another. Hence, the Spaniards tested whether the Amerindians followed their ‘natural’ obligation to realize the ‘natural’ hierarchy from inorganic matter through plants and animals to human beings on the highest

⁸ Bartolomé de Las Casas, *History of the Indies* (New York: Harper & Row, 1971), pp. 8, 68; Anthony Pagden, *The Fall of Natural Man. The American Indian and the Origins of Comparative Ethnology* (Cambridge: Cambridge University Press, 1982), pp. 32, 37; Anthony Pagden, *European Encounters With the New World* (New Haven: Yale University Press, 1993), p. 52; Francisco de Vitoria, *Political Writings* (Cambridge: Cambridge University Press, 1991), pp. 250ff; Lewis Hanke, *All Mankind is One. A Study of the Disputation Between Bartolomé de Las Casas and Juan Ginés de Sepúlveda in 1550 on the Intellectual and Religious Capacity of the American Indians* (DeKalb: Northern Illinois University Press, 1974), pp. 40, 125; Olive P. Dickason, ‘Old World Law, New World Peoples, and Concepts of Sovereignty’, in Stanley H. Palmer and Dennis Reinhartz (eds.), *Essays on the History of North American Discovery and Exploration* (Arlington: Texas A&M University Press, 1988), pp. 54ff; Peter Mason, *Deconstructing America—Representation of the Other* (London: Routledge, 1990), pp. 130ff; Jean Pierre Sánchez, ‘Myths and Legends in the Old World and European Expansionism on the American Continent’, in Wolfgang Haase and Reinhold Meyer (eds.), *The Classical Tradition and the Americas I: European Images of the Americas and the Classical Tradition* (Berlin: Walter de Gruyter, 1994), pp. 216f.

⁹ Vitoria, *Political Writings*, p. 239.

¹⁰ Hanke, *All Mankind is One*, p. 10.

level, i.e. to control the external as well as their internal nature; in other words, to turn nature into culture. This test was applied to a whole range of Amerindian societal institutions—food, sexuality, family, agriculture, manufacture, fine arts, politics—and reveals that the Spanish problem was to come to terms with cultural differences.

However, despite the fact that all discussants agreed on the validity of the test, the standards of measurement to be applied, and even the ‘empirical facts’, this ‘objective’ approach failed because the Spaniards themselves interpreted the ‘facts’ in contradictory ways. While, for instance, Sepúlveda and Vitoria interpreted human sacrifice and cannibalism as ignorance about the fact that human beings could only be ‘food’ for a higher species, namely God, Las Casas argued that these practices just proved the potential reason of the Amerindians for they had obviously understood that the greatest sacrifice one could give to God was human life. Not only did the Bible and other ancient texts mention human sacrifice quite frequently, but Christians, after all, celebrated the human sacrifice of Jesus every Sunday in mass where they incidentally also—metaphorically—ate his flesh and drank his blood.¹¹ And while Sepúlveda held that ‘rationally planned cities’, ‘non-hereditary kings who are elected by popular suffrage’ and ‘commerce’ do not prove anything else but that they are ‘neither bears nor monkeys’, Las Casas thought that the mechanical and architectural capabilities of the Amerindians and their well ordered community life proved that they were ‘endowed by nature with the three kinds of prudence . . . which, according to Aristotle, make any republic self-sufficient and prosperous’.¹² Whether it concerned the authority of men over women and children, the eating of raw or cooked food, the sexual practices, the development of tools and crafts, agriculture, scripture, fine arts, or politics, the observer, as two Spanish travellers put it, found it ‘no easy task to exhibit a true picture of the customs and inclinations of the Indians . . . for should he form his judgement from their first actions, he must necessarily conclude them to be a people of the greatest penetration and vivacity. But when he reflects on their rudeness, the absurdity of their opinions, and their beastly manner of living, his ideas must take a different turn, and represent them in a degree little above brutes’.¹³ Thus, instead of establishing the nature of the Amerindians the debate had opened up a very serious moral, political and theoretical division in Spanish society.

At this point the external encounter turned into an internal challenge not only because it divided Spanish society politically and morally but also because when the Spaniards tried to apply Aristotle’s concept of natural slavery in practice they found it contradicting another crucial principle in their cultural framework, namely the idea of the Christian *oikumene*. The Christians—believing in a common origin of mankind and God’s will for the perfection of man and the natural world—had to extend their *oikumene* over the whole world; it was to include all peoples in the end.¹⁴ But if this was so, all peoples had to have sufficient reason to grasp the

¹¹ Bartolomé de Las Casas, *A Selection of His Writings* (New York: Alfred A. Knopf, 1971), pp. 186ff; Pagden, *The Fall of Natural Man*, p. 88; Vitoria, *Political Writings*, p. 209; Hanke, *All Mankind is One*, pp. 93f.

¹² Juan Gines de Sepúlveda, ‘On the Indians’ in Engländer, Norman, O’Day and Owens (eds.), *Culture and Belief in Europe 1450–1600. An Anthology of Sources* (Oxford: Blackwell, 1994), p. 323; Las Casas, *Selection*, p. 115.

¹³ Cf. Hanke, *All Mankind is One*, p. 139.

¹⁴ Pagden, *The Fall of Natural Man*, pp. 16ff.

Christian teachings—otherwise the obligation God had given to the Christians would have been contradictory. Consequently, the debate about the nature of the Indians was decided not according to the evidence found in their societies but according to a theoretical dogma which lay at the heart of the Christian world view, for as Vitoria stated, “God and nature never fail in the things necessary’ for the majority of the species, and the chief attribute of man is reason’.¹⁵

However, this solution did not at all solve the problem of cultural difference but rather posed it in new terms. For if God had given reason to all peoples how could it be explained that its use led to such different kinds of development as in the European and the Indian cases? If reason meant understanding and applying the—by definition universal—laws of nature, it had surely to lead to universal norms, institutions and material achievements. The Spaniards came up with two different answers to this question both of which—as we shall see later—became foundational for European thought in general and still represent the two dominant understandings of culture in IR theory today. Las Casas believed that:

The entire human race is one; all men are alike with respect to their creation and the things of nature, and none is borne already taught. And so we all have the need, from the beginning, to be guided and helped by those who have been borne earlier. Thus, when some very rustic peoples are found in the world, they are like untilled land, which easily produces worthless weeds and thorns, but has within itself so much natural power that when it is plowed and cultivated it gives useful and wholesome fruits.¹⁶

For him, therefore, the Indians were men in the state of nature, with the potential of reason but without cultivation, without history—they were born late. In this view the Indian’s mind was a cultural vacuum which—because of its potential for reason—would readily grasp and apply the teachings of the Spaniards.¹⁷ Vitoria, on the other hand, did not see them without history—on the contrary:

Nor could it be their fault if they were so many thousands of years outside the state of salvation, since they were born in sin but did not have the use of reason to prompt them to seek baptism or the things necessary for salvation. Thus if they seem to us insensate and slow-witted, I put it down mainly to their evil and barbarous education. Even amongst ourselves we see many peasants (*rustici*) who are little different from brute animals.¹⁸

So, Vitoria, Sepúlveda and others saw their evil customs as a product of education, of history, of thousands of years of socialization. Indeed, Vitoria expected that it would take about six hundred years to undo this kind of education.¹⁹

For all their differences, these positions shared two crucial aspects: Firstly, both construct a hierarchy between the Amerindians and the Spaniards. In the state-of-nature approach this hierarchy rests on the assumption that the Spaniards do have culture while the Amerindians don’t, while the false-culture approach, of course, implies that the Spaniards have developed the right culture. Secondly, in both cases the assimilation of the Amerindians to Spanish culture became the practical political goal. They only differed with respect to the means necessary, for if the Amerindians did not understand the true nature of the world, the exponents of the state-of-nature

¹⁵ Vitoria, *Political Writings*, p. 239; see also Las Casas, *History*, p. 5.

¹⁶ Las Casas, *Selection*, pp. 201f.

¹⁷ Las Casas, *History*, p. 278.

¹⁸ Vitoria, *Political Writings*, p. 250.

¹⁹ See Pagden, *The Fall of Natural Man*, p. 100.

position held that it was 'not because they lacked reason, but because they lacked culture, not because they lacked the will to learn or a ready mind, but because they had neither tutors nor teachers'.²⁰ Hence, the Spaniards had to send tutors and teachers. In contrast, those who believed that the minds of the Amerindians were filled with false cultural values and customs held that 'they will never abandon these evils unless they are first punished and subjected by force and wars, and afterwards preached to'.²¹

Having thus established a cultural hierarchy the Spaniards discussed the practical terms under which they could intervene in the Amerindian societies, the striking familiarity of which with contemporary debates on (humanitarian) intervention rings in the ears of every IR scholar. Starting from the question whether the cultural difference in itself would be sufficient grounds for intervention, Sepúlveda argued that God and nature gave the Spaniards the right to establish their rule over peoples who act against natural law—which did not only include human sacrifice but also sodomy, prostitution, the non-systematic exploitation of natural resources like gold etc.²² But in addition, Spanish rule could also be justified by the protection it afforded to the innocent victims of Indian customs.²³ Vitoria and Las Casas both rejected the first argument, claiming that the Indian could not be punished 'by the Church, and much less by Christian rulers, for a crime or a superstition, no matter how abominable . . . as long as he commits it . . . within the borders of the territory of his own masters and his own unbelief'.²⁴ For both held that the universal truth and validity of natural law could not be proven.²⁵ However, both Las Casas and Vitoria agreed in principle with Sepúlveda's second argument that there is an obligation to protect the victims of practices contrary to the laws of nature. In practice, however, they held differing views. Las Casas argued that as long as there is consent between the people, their ministers and priests on the question of such practices they act under an excusable ignorance for which only God can punish them. Furthermore, one could not protect a few victims of human sacrifice by making war against the whole people. This course of action would cost many more lives than the Indian customs, and it would not convince the people of their error.²⁶ Vitoria, for his part, posited that the obligation to love one's neighbour overrides other considerations even if natural laws cannot be proven. 'It makes no difference that all the barbarians consent to these kinds of rites and sacrifices, or that they refuse to accept the Spaniards as their liberators in that matter'.²⁷ Christian rulers can lead a just war against the barbarians on the grounds that such practices 'involve injustice (*iniuria*) to other men'.²⁸

The public debate ended with a consensus based on Vitoria's arguments. Since the Indians were human beings they had to live according to the laws of nature, one of which being that 'amity (*amiticia*) between men is part of natural law, and that it is

²⁰ Cf. Pagden, *The Fall of Natural Man*, p. 92.

²¹ Cf. Hanke, *All Mankind is One*, pp. 125, 136.

²² Anthony Pagden, *Spanish Imperialism and the Political Imagination. Studies in European and Spanish-American Social and Political Theory 1513–1830* (New Haven: Yale University Press, 1990), p. 29.

²³ Hanke, *All Mankind is One*, p. 86.

²⁴ Las Casas cf. Hanke, *All Mankind is One*, p. 89; see also Vitoria, *Political Writings*, p. 274.

²⁵ Vitoria, *Political Writings*, pp. 275, 217f; Hanke, *All Mankind is One*, pp. 93ff.

²⁶ See Hanke, *All Mankind is One*, pp. 91f, 95.

²⁷ Vitoria, *Political Writings*, p. 288.

²⁸ *Ibid.*, p. 225.

against nature to shun the company of harmless men'.²⁹ Thus, human beings had the natural right to communication—which was realized in travel, in trade, in settling wherever they wanted, and in missionizing. This natural right of the Spaniards was accompanied by the natural obligation of the Indians to allow this kind of communication.³⁰ Furthermore, 'since all those peoples are not merely in a state of sin, but presently in a state beyond salvation, it is the business of Christians to correct and direct them. Indeed they are clearly obliged to do so'.³¹ Therefore, the Spaniards did not only have the right but also the moral obligation to establish communication with the Indians. If, on the other hand, the Indians denied the Spaniards the right of communication the Spaniards could lead a just war against them.³² Despite his own qualms—Vitoria believed that the Spaniards generally did not obey the spirit of these rules but, at best, the letter—he had spelled out the theoretical basis on which the Spanish Crown and the *conquistadores* could justify their wars against the Indians.³³ After almost fifty years of debate between contending theoretical and political positions, it was the humanitarian obligation of the Spaniards that justified the wars, the *encomienda* system, and Spanish rule.³⁴

Applying the state of nature in European political thought

European political thought was strongly influenced by the encounter with the Amerindians in broadly three different but interrelated ways. First of all, the encounter of the Europeans with the Amerindians formed a key historical source of that discourse of the state of nature which, as a secular basis for natural law, gave rise to the modern universalist conception of society. Secondly, this view of the Amerindians as living in the state of nature led to a redefinition of history along a linear time scale providing a secular *telos* as the basis of the historical process. And, finally, the same state of nature provided the European reformers with a basis from which to criticize the particular development of their own societies and with the means to theoretically reconstruct an alternative political community. Taken together, these three levels—epistemological, ontological, and ethical—amount to a total redefinition of an authentic and legitimate political community which, for example, in the French Revolution and in the constitution of the North American society became the guiding principle for political practice. At the same time, however, the theoretical construction of a universal linear time scale and a political community built on universal natural law inevitably led to a ranking of all human societies on that linear scale. Thus, paradoxically the universalist conception of the state of nature brought with it a world view based on a hierarchy of cultures which served as the basis for a theory of unequal relations between political communities.

Since these claims as well as my approach to classical political theory are in many ways unfamiliar and provide scope for misunderstandings it may help to clarify at

²⁹ Ibid., pp. 278f.

³⁰ Ibid., pp. 279–281.

³¹ Ibid., p. 284.

³² Ibid., pp. 283f.

³³ Ibid., pp. 282, 284, 291, 331ff.

³⁴ Las Casas, *History*, p. 127; Vitoria, *Political Writings*, pp. 225, 285f; Hanke, *All Mankind is One*, pp. 121, 86.

the outset the precise status of the argument. There are three main points at which I divert from conventional interpretations of classical political theory. Firstly, conventional political theory tends to stress the fact that many—if by no means all—the authors I will deal with in the following pages claim that the concept of the state of nature is just hypothetical, a theoretical device, a logical deduction. I will argue, however, that it is precisely the actual, concrete, historical quality of this concept which is crucial for the development of International Relations in theory and practice, past and present. Secondly, conventional political theory generally insists that the most important sources for the classical authors were Greek and Roman writings, while I will argue that the discovery of America and the Amerindian communities played a crucial role in the development of these theories. And finally, conventional political theory highlights the European and/or domestic triggers for the projects of the classical writers and downplays the relevance of these writings for the international in general and for the relationship between European and non-European peoples in particular. By contrast, I will argue that this interpretation overlooks the fact that although the goal of these writings was undoubtedly domestic or European, it was nevertheless built on a universal conception of the state of nature identified with the Amerindian communities and, hence, always implicitly and sometimes even explicitly of crucial importance for the conception of the international.

For lack of space I will try to clarify these points by reference to David Boucher's interpretation of Hobbes as an example. First of all, Boucher quite rightly stresses the point that Hobbes—but also Pufendorf, Rousseau and others—after elaborating the characteristics of the state of nature did not believe that this 'ideal type' state of nature—the war of every man against every man—has ever existed historically throughout the world.³⁵ However, in the same sentence in which Hobbes declares that this state of nature has never really existed as a concrete historical condition, he does point to the Amerindian communities as evidence for the plausibility of his logical deduction of the state of nature:

It may peradventure be thought, there was never such a time, nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places, where they live so now. For the savage people in many places of *America*, except the government of small Families, the concord whereof dependeth on naturall lust, have no government at all; and live at this day in that brutish manner, as I said before.³⁶

Boucher, an attentive reader with a special interest in the international dimensions of classical political theory, picks up on this contradiction and suggests that there are actually two different concepts of the state of nature to be found in Hobbes, namely a 'hypothetical, or logical, state of nature and the historical, pre-civil condition' which he also calls the 'modified state of nature'.³⁷ But why, Boucher asks, does Hobbes feel the need to come up with this second, modified state of nature, for which he can present historical evidence and of which he truly believed that it had existed as a concrete historical condition 'in pre-civil times'?³⁸ The

³⁵ David Boucher, *Political Theories of International Relations*, (Oxford: Oxford University Press, 1998) p. 145; Thomas Hobbes, *Leviathan*, (Cambridge: Cambridge University Press, 1997) p. 89.

³⁶ Hobbes, *Leviathan*, p. 89.

³⁷ Boucher, *Political Theories*, pp. 149, 157.

³⁸ *Ibid.*, p. 149.

answer is an epistemological one, namely that history provides facts and these facts are the evidence necessary not only for the natural but also for the social sciences.³⁹ And Boucher goes on to argue that for Hobbes the 'relations among states are *not* very like relations among individuals in the mere state of nature. Instead relations among states can more fruitfully be seen as analogous to a modified . . . stage of the hypothetical state of nature, and the historical pre-civil condition'.⁴⁰ In fact, Boucher makes two points here which I will make with respect to all the classical authors I am going to deal with in the following pages. Firstly, he maintains that Hobbes' understanding of the natural and social sciences necessitates material evidence. Hence, the material evidence of the Amerindian communities to which Hobbes points is crucially important for the plausibility of his logical deduction of a hypothetical state of nature. Secondly, Boucher clearly argues that Hobbes' analogy for the state of nature between states, i.e. the international state of nature, is precisely *not* the *hypothetical* state of nature but that real existing concrete historical condition in pre-civil times for which the Amerindian communities are Hobbes' contemporary example/evidence. If I, in dealing with classical political theory in the following pages, stress the importance of the Amerindians I do not question at any point the fact that many of the classical authors maintain that the state of nature is just a theoretical device or a regulative idea. What I do argue instead, is that the material evidence presented in all these cases is taken from the Amerindians and that this evidence is crucially important precisely because the social sciences were understood along the lines of the natural sciences. In addition, I am not suggesting that all the authors I am going to mention share one and the same theoretical understanding of the state of nature. Indeed, in most cases their writings were at least partly motivated by their disagreements on this issue.⁴¹ At one level, as I will argue in the following pages, these differences are important, at another level, however, it is precisely the common procedure to provide evidence taken from the Amerindian societies which is decisive for my argument.

This leads us to the second point of contention, namely the claim that the most important sources for the classical writers generally are the Greek and Roman classics and in particular, that examples for the state of nature have been provided by these writers of antiquity and are being used by authors like Hobbes implying that the examples of the Amerindians were not only not particularly important but could even have been dispensable. Again, Boucher can be used as an example since he maintains that Hobbes in general 'relies heavily upon Thucydides',⁴² and in providing evidence for that historical 'pre-civil' state in particular makes reference to a number of communities such as 'the Amazon women, Saxon and other German families, the American Indians, and the paternal communities of Ancient Greece'.⁴³ And, indeed, this list appears to suggest that the absence or presence of the Amerindians in particular would not make any difference. However, I will argue in the following pages that in terms of the theoretical and political implications there

³⁹ Ibid., p. 149.

⁴⁰ Ibid., p. 149.

⁴¹ Rousseau, for example, launches a scathing critique of Hobbes' understanding of the state of nature in particular, but also of that of Locke and Pufendorf (see in particular the second part of the Essay on the Origins of Inequality; Locke is one of the major targets in the footnotes to the Essay).

⁴² Boucher, *Political Theories*, p. 149.

⁴³ Ibid., p. 157.

are wide-ranging differences between the communities mentioned in this list. The crucially important difference is that the Amerindian communities mentioned were contemporaries of Hobbes and other classical writers, while the Amazon women, Saxon and other German families and the paternal communities of Ancient Greece supposedly representing the state of nature or pre-civil state were at best the predecessors of contemporary societies. Why is this distinction important? Because the claim that these societies represent an earlier stage of human development is in the case of paternal communities of Ancient Greece, for instance, at least in temporal terms correct. This, however, is not the case with the claim that the contemporary Amerindian societies represented an earlier stage in human development. In temporal terms they did not. The substantive philosophical point the classical writers want to make is, therefore, dependent on the example of the Amerindian societies. But not only theoretically but also politically this is an important distinction, at least from the point of view of constructing the international, for politically it does not matter much how we define and judge societies which do not exist any longer, while it matters crucially how we construct and define contemporary societies; legal rights and obligations, political practice and moral justifications of the relationship between European and Amerindian communities were based on the construction of these communities as representing a pre-civil state of development, as I will demonstrate in the following pages.

What, then, is the status of the writers of antiquity and the examples for communities in the state of nature taken from their writings? They are, I think, extremely important, but not as the trigger of these newly developing ideas for, after all, their writings had been known to the Europeans for quite some time without motivating such an abundance of works on the state of nature. The discovery of the Amerindian communities and the need to integrate this phenomenon theoretically into the Christian *Weltanschauung* as well as the need to define the political and moral framework within which to interact with these communities was the trigger for this development amongst the Spanish authors from whom later European authors have taken over this modern concept of the state of nature. The authors of antiquity, however, played a crucial role in this theoretical development on the one hand, because their authority was widely accepted and any supporting evidence one could find in their writings gave some weight and acceptance to the new ideas; on the other hand, the authors of antiquity as well as the Bible were widely reread and reinterpreted in the light of the experiences in the New World.⁴⁴ It is impossible quantitatively to establish exactly how much influence which source had, although Ronald Meek discussing this aspect very carefully, concludes that 'the fact that most of them (the classical writers, BJ) drew so heavily upon the American studies and constantly emphasised their significance, however, seems to indicate that they may well have played a rather special role, perhaps going beyond that of a catalyst and approaching that of an independent primary source'.⁴⁵ My argument does in no way dispute the influence of Thucydides or other ancient writers on the classical authors

⁴⁴ See, for example, Joseph Francois Lafitau, *Customs of the American Indians Compared with the Customs of Primitive Times* (Toronto: The Champlain Society, 1977); Wolfgang Haase and Reinhold Meyer (eds.), *The Classical Tradition and the Americas* (Berlin: Walter de Gruyter, 1994).

⁴⁵ Ronald Meek, *Social Science and the Ignoble Savage* (Cambridge: Cambridge University Press, 1976), p. 3.

or their use of examples taken from the ancient texts; it also does not depend on how important in quantitative terms the Amerindians were; rather, I will argue a qualitative point peculiar to the international: the example of ancient communities representing a state of nature does *not* set a precedent for the construction of the realm of international relations, because, after all, one does not have to work out practical policies towards societies that do not exist any longer; the Amerindians, however coexisted with the European nations at the time when the classical authors were writing and are, therefore, relevant for the construction of the international in a qualitatively different way.

Thus, we eventually approach the last point at which my arguments might seem unfamiliar and counterintuitive. This is the conventional claim that the motivations of authors like Hobbes, Pufendorf, Rousseau etc. are to be seen in European and domestic developments like the English Civil War, the Thirty Years War and the Disintegration of the Holy Roman Empire etc. and that these occasions provided the classical authors with the problems they attempted to solve in their theories.⁴⁶ What is implied in these points is that the classical theories did actually not deliberately attempt to provide a theory of international relations as such, and that insofar as they did they mainly dealt with the relations among the European states rather than with the relations between Europeans and non-European peoples. It might therefore seem as if my interpretation of these authors exaggerates the relevance of their writings for international relations and overlooks the issues they attempted to deal with primarily. However, I am not arguing that the conception of international relations in general or the relationship between European and non-European peoples in particular were crucial issues in the writings of the classical political theorists. On the contrary, what I am arguing is that these theories concentrate on the redefinition and redesign of a universally valid domestic political organization (and, consequently, the relations between these organizations in the case of the international lawyers) which, however, crucially is built on the concept of the state of nature. This latter point has wide implications for, on the one hand, it provides a basis for domestic political organization which itself was developed in the course of the international encounter with the Amerindians and, hence, entails certain assumptions about these non-European communities. Thus, having defined a universally valid form of domestic political organization in relation to a different and non-European form of political organization these theories *implicitly* define the proper relations between these different forms of political organization, i.e. international relations. Hence, I am not taking issue with the claim that these theories are motivated by particular European problems at the time, rather I am 'teasing' out the role the international plays in the solutions offered as well as the implicit reconstruction of the international on the basis of these new domestic solutions.

To summarize, then, what I am mainly concerned with in the following pages is not a revision of conventional interpretations of classical political theory but an 'excavation' of the *unreflected* and certainly, in many cases, unintended but nevertheless crucial assumptions about non-European peoples as the basis of an implicit construction of the international.

⁴⁶ Boucher, *Political Theories*, pp. 224f.

(1) *The state of nature as the basis for a new epistemology*

Epistemologically, the unique significance of the Amerindians for European political thought lay in the possibility to derive natural law—on which the Europeans traditionally based their societies—from a study of human nature itself. For, as Rousseau explained, any attempt to define true natural law by analysing European societies was prevented by the difficulty of distinguishing between the original and the artificially created in human nature.⁴⁷ But the Amerindian societies were, in Montesquieu's view, almost entirely governed by nature and climate and, according to de Tocqueville, 'exhibited none of those indistinct, incoherent notions of right and wrong, none of that deep corruption of manners, which is usually joined with ignorance and rudeness among nations who, after advancing to civilization, have relapsed into a state of barbarism. The Indian was indebted to no one but himself; his virtues, his vices, and his prejudices were his own work; he had grown up in the wild independence of his nature.'⁴⁸ As a result of this same assumption, Locke concluded, that 'the Woods and Forests, where the irrational untaught Inhabitants keep right by following Nature, are fitter to give us Rules, than the Cities and Palaces, where those that call themselves Civil and Rational, go out of their way, by the Authority of Example'.⁴⁹ In the light of a real existing state of nature the interpretation of traditional scriptures could not claim any validity, as Locke in this case held against Filmer. And even though the Greeks had been closer to the state of nature than the contemporary European societies, as Raynal and Diderot held,⁵⁰ 'the famous republics of antiquity never gave examples of more unshaken courage, more haughty spirit, or more intractable love of independence than were hidden in former times among the wild forests of the New World'.⁵¹ On the contrary, the Bible as well as the Greek writings were now themselves reinterpreted in the light of the discoveries.⁵² If the Amerindians, as Pufendorf argued, were in the 'paradisical' state of nature while the Europeans found themselves in the world of sin it followed that the Bible having derived from that early paradisical period was valid for that period only. The natural law of the 'paradisical' period was, therefore, different from the natural law applicable in the degenerate historical state of humankind. Consequently, Pufendorf claimed that the science of natural law was totally different from moral theology in its method and demanded its independent status on the same grounds as medicine, mathematics, and the natural sciences.⁵³ The reading and interpretation of the scriptures dating from another period could not possibly produce any insight into contemporary natural law. The latter could only be

⁴⁷ Jean-Jacques Rousseau, *The Social Contract and Discourses* (London: J.M. Dent, 1993), p. 44.

⁴⁸ Alexis de Tocqueville, *Democracy in America* (London: Everyman's Library, 1994), vol. I, p. 22; Charles Louis de Secondat, Baron de la Brede et de Montesquieu, *The Spirit of the Laws* (Cambridge: Cambridge University Press, 1989), p. 310.

⁴⁹ John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1994), pp. 182f.

⁵⁰ Abbé Raynal, *Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies* (New York: Negro University Press, 1969), vol. I, p. 7. Even though the text is published under Raynal's name only, I will speak of Raynal and Diderot in the text because Diderot has edited and added major parts of the text; in particular the passages including a moral assessment of the political history.

⁵¹ De Tocqueville, *Democracy in America*, vol. I, p. 23.

⁵² Samuel von Pufendorf, *De Officio Hominis et Civis Juxta Legem Naturalem Libri Duo* (New York: Oxford University Press, 1927), p. xf.

⁵³ Pufendorf, *De Officio Hominis et Civis*, p. xi.

analyzed by research into the essence of human beings and into the common characteristics onto which their communal life is built and secured.⁵⁴ Thus, the belief that the Amerindians represented a concrete historical state of nature became the basis for the development of social and political thought as a 'natural science'.

(2) *The state of nature and the meaning of history*

By introducing the state of nature as a universal condition from which humankind started its historical development the European authors introduced one linear time scale into the history of humanity. And, furthermore, the explanations which the European authors developed for the movement of humanity from one to the other stage of development, justified and naturalized the particular European path of development—state-building, private property, money. For if, as Locke held, the Amerindians represented the 'Pattern of the first Ages in Asia and Europe', that is, they represented the 'Infancy' of humankind, it followed that a single line had to be drawn between this infant state of humankind and the developed European (and Asian) societies.⁵⁵ Accordingly, the Europeans developed a new philosophy of history based on linear historical time.⁵⁶ To be sure, they disagreed on the distinguishing features of the state of nature (as we will see in the next section); in addition, some held the concept to be an ideal type⁵⁷ while others made no such explicit distinction⁵⁸ and, finally, they disagreed on whether the Amerindian communities actually represented, approximated, or had long passed this condition.⁵⁹ Nevertheless, all these conceptions have two aspects in common. Firstly, it is the Amerindian 'material' to which they all apply their reason in order to derive an understanding of the state of nature. And secondly, in all cases the Amerindians are placed in a different historical time from the Europeans despite the fact that they were, of course, living at exactly the same time as the European observers. Thus, the discovery and particular placement of the Amerindian communities on that time scale provided the Europeans with a concrete second point beyond their own societies. They could now draw a line between those two fixed points—the European and the Amerindian—and extend this line into the future as well as into the past.

But drawing this historical line, of course, did not yet provide an explanation of how and why people have moved from one point on this line to the other; and

⁵⁴ Pufendorf, *De Officio Homini et Civis*, p. 17; see also Christian Thomasius, 'Vorrede von der Historie des Rechts der Natur bis auf Grotium', in Hugo Grotius, *Vom Recht des Krieges und des Friedens* (Tübingen: Mohr, 1950), pp. 1f, 8f, 39. This is Thomasius' introduction to the German translation of Grotius.

⁵⁵ Locke, *Two Treatises*, pp. 339f, 342.

⁵⁶ The encounter with the Amerindians is, of course, not the only source for the concept of linear historical time. However, the authors quoted here develop their philosophy of history *expressis verbis* on the assumption of a state of nature directly linked to the Amerindians.

⁵⁷ Thomas Hobbes, *Leviathan or the Matter, Forme and Power of a Commonwealth, Ecclesiasticall and Civill* (Cambridge: Cambridge University Press, 1904), p. 85; Pufendorf, *De Officio Homini et Civis*, p. 90.

⁵⁸ Immanuel Kant, *Political Writings* (Cambridge: Cambridge University Press, 1996), pp. 99, 103; Locke, *Two Treatises*.

⁵⁹ Rousseau, *The Social Contract and Discourses*, pp. 65, 90f.

without the knowledge about the moving force behind this development the line could not be extended. The political thinkers developed various theories in order to explain this historical development, all of which justified and naturalized the particular European development—with the partial exception of Rousseau. Both Hobbes and Kant interpret the state of nature as a state of war in which human life is necessarily miserable and insecure. Reason and self-interest command that human beings leave this miserable state by setting up government and the rule of law over them, in short, by building states.⁶⁰ However, the same command does not apply to states because the latter are already the product of this reasonable freedom and, thus, cannot be placed under the obligation to give it up and consent to another law.⁶¹ For Kant and Hobbes, thus, it is the very 'natural' freedom of the human being which is realized within states and therefore leads to a split between the natural law applicable within states as opposed to the one applicable between states. But since this theory locates the forces which drive people out of the state of nature into the historical development of state building in the state of nature itself, it cannot explain why the Amerindians—theoretically endowed with as much reason as the Europeans—have not left the miserable state of nature while the Europeans have.

Even though for Raynal, Diderot, Rousseau, Locke and others the state of nature is also characterized by the absence of law, government, private property etc., it is not taken to constitute a state of war.⁶² These authors argue instead that if there is no private property there is no robbery, and where there is no robbery one does not need the law, the police and government in order to protect it.⁶³ And the fairly peaceful existence of the Amerindian communities without a European type government led to the assumption that they were held together by natural compassion.⁶⁴ Accordingly, Pufendorf comes to the conclusion that in the state of nature human beings can enter into a societal contract without having to build states and he believes that these societies were perfectly capable of satisfying the basic needs and desires of their members.⁶⁵ In this account the state of nature does not provide an internal force which leads to any kind of development—it is a static condition reproducing itself.

However, comparing the Amerindians with the English, Locke comes to the conclusion that 'a King of a large and fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in England'.⁶⁶ This scarcity plays a crucial role in the theories developed by these authors who generally assume that a widespread increase in population led to a scarcity of food and land which in turn led to fights over the scarce resources. These fights mark the end of a life according to natural law. State building and the introduction of private property are depicted as the

⁶⁰ Hobbes, *Leviathan*, p. 85; Kant, *Political Writings*, p. 103.

⁶¹ Kant, *Political Writings*, p. 104; Hobbes, *Leviathan*, pp. 149ff.

⁶² Raynal, *History of the Indies*, vol. III, p. 404.

⁶³ Raynal, *History of the Indies*, vol. II, p. 361; Locke, *Two Treatises*, p. 302; Rousseau, *The Social Contract and Discourses*, pp. 57f, 71ff, 90f.

⁶⁴ Rousseau, *The Social Contract and Discourses*, p. 73; Raynal, *History of the Indies*, vol. III, p. 404; Locke, *Two Treatises*, pp. 280f.

⁶⁵ Pufendorf, *De Officio Hominis et Civis*, p. 103; Locke, *Two Treatises*, p. 299; see also Rousseau, *The Social Contract and Discourses*, pp. 91f.

⁶⁶ Locke, *Two Treatises*, pp. 296f; similarly Pufendorf, *De Officio Hominis et Civis*, pp. 17f; Raynal, *History of the Indies*, vol. III, p. 404ff; vol. VI, pp. 138ff; Rousseau, *The Social Contract and Discourses*, pp. 195f.

solutions to this dilemma: setting up a superior power over the community ensured peace between the members of the community; and the introduction of private property in land and its guarantee by the laws not only put an end to the fight over common resources but also provided the necessary conditions for intensive agriculture and, thus, raised production. Similarly the borders between states demarcate, so to speak, the private property in land of the different communities and, thus,—ideally—end the war between communities over common resources. Because state building in this understanding leads to an increase in production and a decrease of wars, it ensures the possibility to live according to natural law under the conditions of an increase in the world's population and is therefore justified.⁶⁷ Locke, coming to the same conclusion,⁶⁸ adds the invention of money as a condition for state-building because in his view the institution of private property is already present in the state of nature when the labour the Indian bestows on the common property 'makes the Deer, that Indian's who hath killed it'.⁶⁹ But because 'nothing was made by God for Man to spoil or destroy' this perishable kind of private property cannot be accumulated and, therefore, does not lead to an increase in production.⁷⁰ It is in this sense that Locke came to the famous conclusion: 'Thus in the beginning all the World was America, and more so than that is now; for no such thing as Money was any where known. Find out something that hath the Use and Value of Money amongst his Neighbours, you shall see the same Man will begin presently to enlarge his Possessions'.⁷¹ In this account, the assumption of an increase in population plays a twofold role. It triggers the process of historical development, while at the same time justifying it. Even though in this case the driving forces of historical development are not located in the state of nature itself, these authors cannot explain the emergence of the crucial assumption of the increase in population. For if the state of nature indeed is static, just good enough for reproduction but not for growth of any kind—then where is the basis for the increase of population so crucial to the argument? Accordingly, Rousseau speculates about environmental circumstances as the trigger of development,⁷² which in his view rather leads to the degradation of the human species.⁷³ Nonetheless, although Rousseau's moral judgement is contrary to those of the others, all these theories share the introduction of one linear time scale into the history of humanity; all of them treat the Amerindian peoples—despite the fact that they share the same actual time with the European observers—as representatives of some earlier stage of human development; all of them justify the peculiar European institution of the state as in accordance with universal natural law; and, finally, all of them end up with two different kinds of natural law applicable to different stages of development.

⁶⁷ Emmerich de Vattel, *The Law of Nations or Principles of the Law of Nature Applied to the Conduct and Affairs of Nations and Sovereigns* (Philadelphia: Johnson & Co., 1863), pp. 97f; Pufendorf, *De Officio Hominis et Civis*, p. 19.

⁶⁸ Locke, *Two Treatises*, pp. 302, 299.

⁶⁹ *Ibid.*, pp. 287ff.

⁷⁰ *Ibid.*, p. 290.

⁷¹ *Ibid.*, p. 301.

⁷² Rousseau, *The Social Contract and Discourses*, pp. 92f, 95f, 98f.

⁷³ Rousseau, *The Social Contract and Discourses*, p. 92.

(3) *The state of nature as the basis for political utopia*

The European authors, despite having thus justified state building and private property as in accordance with natural law, did not overlook the shortcomings of their own societies. Having finally discovered or rediscovered the true natural law they set out to conceive an ideal and universally valid society based on human nature. In contrast to earlier conceptions this was a secular society which could be realized by human effort in time. 'The Indians', said de Tocqueville, 'although they are ignorant and poor, are equal and free'.⁷⁴ And if equality and freedom were natural qualities of man, then these had to be realized in any society which claimed to be organized according to natural law. It was the example of the Amerindian peoples which left Locke in no doubt whatsoever, that 'Men are naturally free, and the Examples of History shewing, that the Governments of the World . . . had their beginning laid on that foundation, and were made by the Consent of the People' which was the 'Right', the 'Opinion' and the 'Practice of Mankind, about the first erecting of Governments'.⁷⁵ In Locke's account the development of despotic or absolute power—a terrible deviation from natural law—can only be set right if the legislature is placed in 'collective Bodies of Men, call them Senate, Parliament, or what you please'.⁷⁶ Thus, the Amerindian communities and their particular form of government—as perceived by Locke—provides him with a concrete value which has been lost in the course of historical development. On its basis the European reformers attacked absolutism and despotic government which they now held to violate freedom as a natural right of human beings. The natural right of freedom was, of course, based on the assumption of a natural equality of human beings which was also conspicuously absent from European societies. Though in the state of nature human beings were born in equality, Montesquieu argued, in society they lost this equality and only regained it through the laws.⁷⁷ Thus, equality before the law became one of the crucial goals of the reformers. 'If the men of our time should be convinced, by attentive observation and sincere reflection, that the gradual and progressive development of social equality is at once the past and the future of their history, this discovery alone would confer upon the change the sacred character of a divine decree'.⁷⁸ The major elements of the new philosophy of history are apparent in this statement by de Tocqueville, for if equality is the universal past of humankind then it also has to be the universal future of humankind—the ontological universality has to be realized. The means by which one arrives at this knowledge are 'attentive observation' and 'sincere reflection'—and in no way either the interpretation of the scriptures or the 'authority of historical examples' because they only reflect historically outdated values on the one hand or particular historical developments which had deviated from the universally valid natural law on the other. And, finally, the politics leading to the realization of social equality is sanctified through

⁷⁴ De Tocqueville, *Democracy in America*, vol. I, p. 23.

⁷⁵ Locke, *Two Treatises*, p. 336.

⁷⁶ *Ibid.*, pp. 329f.

⁷⁷ Montesquieu, *The Spirit of the Laws*, p. 114; see also Locke, *Two Treatises*, p. 271; Raynal, *History of the Indies*, vol. III, p. 404; Pufendorf, *De Officio Hominis et Civis*, ch. 7, § 1; Rousseau, *The Social Contract and Discourses*, p. 80.

⁷⁸ De Tocqueville, *Democracy in America*, vol. I, p. 7.

the 'discovery' of its historical roots—the goal is ethical and therefore justifies the means.

But if the European authors interpret the Amerindian communities as representing certain natural law values which have to be taken up and realized in a universally valid society this does not mean that they want to return to a state of nature. Having established that states are in accordance with natural law at this particular stage in historical development they distinguish between natural and civil liberty. The former, being 'common to man with beasts and other creatures', is 'inconsistent with authority' and in time 'makes men grow more evil and . . . worse than brute beasts', while the latter can only be found in the 'moral law and the politic covenants and constitutions among men themselves' and 'it is a liberty to that only which is good, just, and honest'.⁷⁹ Similarly, since natural equality was based on common property but the laws, those 'politic covenants and constitutions', are based on private property, civil equality is essentially different from the original natural one.⁸⁰ Therefore, Raynal and Diderot argue, the ideal society has to be built on private property the basis of which must be the equal distribution of land; and de Tocqueville identifies the abundance of land in the US as the very basis of democracy because the social equality of the Americans depends on it.⁸¹ Unlike in America, in Europe the attempt to realize this ideal society proved to be much more difficult and disruptive since it continuously encountered traditional forces, as, for example, the French Revolution demonstrated.⁸² However, just as the European authors split the supposedly universal natural law in the course of the development of their new philosophy of history, in practice the universal values of equality and freedom only applied to those members of society whose 'nature' was reasonable enough to comprehend them. Women, children, madmen, and slaves (on the basis of their race) were excluded because nature had not (yet) furnished them with enough reason; and civil slaves were excluded because they could not own property and, hence, could not be expected to consent to laws based on property.⁸³

The discovery of the Amerindian societies was crucial for this new concept of a universally valid society based on natural law because despite the fact that in their interpretation of the Amerindian societies the Europeans were strongly led by their own cultural values—the idea that the state of nature is based on common property is, for example, an integral part of traditional Christian belief—no other contemporary society could have substantiated this belief. Equality and freedom were clearly not distinguishing features of Chinese, Muslim, or Indian societies. And the fact that the historical scriptures including the Bible described societies characterized by common property, a nomadic life style, and government by some kind of political consensus did not prove anything else but that all societies possibly had their beginning there but all of them also seemed to have moved out of this developmental

⁷⁹ De Tocqueville, *Democracy in America*, vol. I, p. 42.

⁸⁰ Locke, *Two Treatises*, pp. 350f; Raynal, *History of the Indies*, vol. III, pp. 411ff; Montesquieu, *The Spirit of the Laws*, p. 510.

⁸¹ De Tocqueville, *Democracy in America*, vol. I, pp. 290f; see also Rousseau, *The Social Contract and Discourses*, p. 240; Raynal, *History of the Indies*, vol. VI, p. 113.

⁸² De Tocqueville, *Democracy in America*, vol. I, pp. 291f.

⁸³ Locke, *Two Treatises*, pp. 304f, 307f, 332f, 174; Pufendorf, *De Officio Homini et Civis*, p. 97; Hobbes, *Leviathan*, pp. 261f; de Tocqueville, *Democracy in America*, vol. I, pp. 379f; vol. II, pp. 211f; Montesquieu, *The Spirit of the Laws*, pp. 264f.

stage. The fact that the Amerindians lived like that today challenged the belief that the development of social inequality and despotic government was natural and inevitable and led the Europeans to reinterpret the ancient writers in the light of this new discovery.⁸⁴ And, finally, the gap between the naked and savage Indians without tools, religious and political institutions, roaming the woods, and the Europeans with their sophisticated dress code, their ordered political and religious institutions, and their advanced material way of life was so big that there seemed to be no limit to human progress.⁸⁵ In the course of this theoretical development, stretching over three centuries, the Golden Age which previously had been located in the past, in antiquity, gradually came to be placed in the future, the Christian *telos* of salvation replaced by a secular *telos* of human development.⁸⁶

(4) *Consequence: a world divided into a hierarchy of cultures*

The philosophy of history which the Europeans had developed, together with their new concept of a legitimate political community based on natural law, inevitably led to a *Weltanschauung* based on a hierarchy of cultures. Though natural law by definition was supposed to be universal we have already seen that the Europeans had ended up with two different kinds of natural law—one applying to the original state of nature, the other to the developed historical stage of mankind. And not only that, but in the developed historical stage of mankind it was the state with its domestic laws which ensured and embodied the developed natural law while between the states the rules of the original natural law still more or less applied.⁸⁷ Over time this analogy of the state of nature between individuals and the state of nature between states was increasingly questioned.⁸⁸ Vattel, therefore, distinguished between the necessary and the voluntary international law—the necessary international law being the original natural law and the voluntary international law being the positive law which civilized states have agreed upon.⁸⁹ On this basis the rights and responsibilities of the voluntary international law were not extended to ‘wild’ and ‘barbaric’ peoples. The Amerindians, because they had not yet built states and introduced private property, did not conform to the law of nature which applied in this historical phase. Locke uses these cultural distinctions, for example, when he argues that in the state of nature land which is common can be appropriated and enclosed by anyone, while

⁸⁴ See, for example, Joseph Francois Lafitau, *Customs of the American Indians Compared With the Customs of Primitive Times* (Toronto: The Champlain Society, 1977).

⁸⁵ Frank Lestringant, ‘The Euhemerist Tradition and the European Perception and Description of the American Indians’, in Wolfgang Haase and Reinhold Meyer (eds.), *The Classical Tradition and the Americas I: European Images of the Americas and the Classical Tradition* (Berlin: Walter de Gruyter, 1994), p. 174.

⁸⁶ Stelio Cro, ‘Classical Antiquity, America and the Myth of the Noble Savage’, in Wolfgang Haase and Reinhold Meyer (eds.), *The Classical Tradition and the Americas I: European Images of the Americas and the Classical Tradition* (Berlin: Walter de Gruyter, 1994), pp. 388f; Pagden, *European Encounters*, pp. 93, 111, 115.

⁸⁷ Locke, *Two Treatises*, p. 357; Hobbes, *Leviathan*, pp. 85f; Kant, *Political Writings*, p. 102; Rousseau, *The Social Contract and Discourses*, pp. 99f.

⁸⁸ Vattel, *The Law of Nations*, pp. xiiif.

⁸⁹ *Ibid.*, pp. 381ff; see also Hugo Grotius, *De Jure Belli Ac Pacis Libri Tres* (Oxford: Clarendon Press, 1925), pp. 393f, 42ff.

'Land that is common in England, or any other Country, where there is Plenty of People under Government, who have Money and Commerce' cannot be enclosed or appropriated by outsiders because, 'though it be Common in respect of some Men, it is not so to all Mankind; but is the joint property of this Country'.⁹⁰ Vattel even argues that every political community is free to choose its internal constitution as it likes and, thus, can introduce common property as described in Campanella's *City of the Sun*. Outsiders have to respect the land which is held in common property as the private property of that political community.⁹¹ But crucially this general universal rule does not apply to other cultures on a different level of historical development. In his discussion of the expropriation of the Amerindian communities of North America, Vattel applies the original natural law which obliges everyone to support the species in general. Since the European states are overpopulated, he argues, nomadic peoples like the Amerindians of North America or the Beduins of the Arabic desert can be forced to live on a smaller piece of land where they have to practice intensive agriculture and, thereby, make the rest of their land available for the needy European populations. Though the Spanish conquest of Mexico and Peru is considered illegal because those were 'well ordered states' and the Spanish brutalities are generally criticized vehemently by the other European authors, they all justify the expropriation of the nomadic Amerindians on these grounds.⁹² Similarly with respect to the laws of war Vattel holds that barbaric peoples have to be considered enemies of mankind and every state has a right to fight wars against them, even if it has not been harmed by them at all.⁹³ Indeed, not only the *jus ad bellum* but also the *jus in bello* differs significantly. Thus, if an army in the course of war has to cross the territory of another civilized state it has to surrender its arms while the latter would not only be unnecessary but even irresponsible if it crossed the territory of a wild people; similarly, one may not destroy the country of a civilized enemy in war but the destruction of the country of a barbaric nation is not only allowed but even a positive goal because it provides an opportunity to punish the barbarians; and while one has to distinguish between combatants and non-combatants and officers and soldiers in war with a civilized nation, one may catch and punish any member of a barbaric nation who are all guilty by definition—these strict measures are supposed to force them to acknowledge the humanitarian law.⁹⁴

However, not only in international law but also in political theory genocidal practices were justified on the basis of this new philosophy of history. De Tocqueville, for example, recognizes the treatment of the Amerindian peoples (and the slaves) in North America in its brutal reality, when he says, 'if we reason from what passes in the world, we should almost say that the European is to other races of mankind what man himself is to the lower animals: he makes them subservient to his use, and when he cannot subdue he destroys them'.⁹⁵ But while the Spaniards despite all their atrocities have never quite managed to deprive the Amerindians of their rights or to 'exterminate the Indian race' the 'Americans of the United States

⁹⁰ Locke, *Two Treatises*, p. 292.

⁹¹ Vattel, *The Law of Nations*, pp. 163f.

⁹² *Ibid.*, pp. 35f, 155, 163f, 170f; Hobbes, *Leviathan*, p. 252; Locke, *Two Treatises*, pp. 291f.

⁹³ *Ibid.*, pp. 304f.

⁹⁴ *Ibid.*, pp. 342f, 367f, 348.

⁹⁵ De Tocqueville, *Democracy in America*, vol. I, p. 332.

have accomplished this twofold purpose with singular felicity, tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of morality in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity'.⁹⁶ Although de Tocqueville analyses this process and explicitly names the actors and the deliberate policies by which they achieve their ends—and he clearly deplors the fate of the Amerindians—it is described by him as tragic but inevitable.⁹⁷ And the reason for this inevitability is precisely that philosophy of history and the laws, domestic and international, that go with it. Because despite the fact that North America was inhabited by countless Indian tribes when the Europeans got there,

. . . it may justly be said . . . to have formed one great desert. The Indians occupied without possessing it. It is by agricultural labour that man appropriates the soil, and the early inhabitants of North America lived by the produce of the chase. . . . They seem to have been placed by Providence amid the riches of the New World only to enjoy them for a season; they were there merely to wait till others came. Those coasts so admirably adapted for commerce and industry; those wide and deep rivers; that inexhaustible valley of the Mississippi; the whole continent, in short, seemed prepared to be the abode of a great nation yet unborn. In that land the great experiment of the attempt to construct society upon a new basis was to be made by civilized man; and it was there, for the first time, that theories hitherto unknown, or deemed impracticable, were to exhibit a spectacle for which the world had not been prepared by the history of the past.⁹⁸

The universal validity of what de Tocqueville called the 'triumphal march of civilization across the desert' is not at all put into question by the necessary extinction of the Amerindian communities because in the last analysis it is their own backwardness which does not allow them to assimilate fast enough in order to fit into the new society. Therefore, 'they perish if they continue to wander from waste to waste, and if they attempt to settle they still must perish'.⁹⁹

But not only the peoples who were still thought to be in or very close to the state of nature had to occupy their appropriate place on that linear time scale of history. Once that scale existed all the cultures had to be located on it. Since it was inconceivable that development could take place in a way different from the European one, the Enlightenment authors concluded that the Spanish reports on the cultural achievements of the Mexicans—who had actually set up a 'well ordered state' and were not taken to be in the state of nature—must simply be false. Mexican culture had to be young, had in fact barely left the state of nature and was for this reason characterized by the most incredible despotism and superstition, i.e. violation of natural law.¹⁰⁰ The tremendous age of Indian culture, on the other hand, could not be doubted. Hence, Indian culture was—for reasons of climate and the caste system—considered stagnant, its laws, manners, life style, clothes were supposed to be the same today as they were a thousand years ago.¹⁰¹ The Indians, although they were an old culture, were like children and so were the Mexicans as a new culture. Accordingly, argue Raynal and Diderot, the wild peoples 'want' to be guided by

⁹⁶ Ibid., vol. I, pp. 354f.

⁹⁷ Ibid., vol. I, pp. 350f.

⁹⁸ Ibid., vol. I, p. 25.

⁹⁹ Ibid., vol. I, p. 354.

¹⁰⁰ Raynal, *History of the Indies*, vol. II, pp. 397ff.

¹⁰¹ Raynal, *History of the Indies*, vol. I, pp. 38ff; Montesquieu, *The Spirit of the Laws*, p. 235.

gentleness and held back by force. Since they are incapable of governing themselves their government has to be enlightened and they have to be guided by violence till they reach the age of insight. Therefore barbaric peoples live quite 'naturally' under despotism until the progress of society has taught them to be guided by their own interest.¹⁰²

Reproducing the state of nature in IR theory

In conclusion we can say that the European philosophy of history which developed as a result of the discovery of the Amerindian peoples posits three broad stages of development: first is the state of nature which is characterized by universality and in most accounts either total stagnation or cyclical reproduction; the second stage witnesses the development of a variety of cultures, i.e. states in various stages of deviation from natural law; finally, after the discovery of the true natural law, there is envisaged the perfect society of the future, a universally valid social order which marks the end of history—the latter understood as a struggle for power between different cultures.¹⁰³

The Liberal IR theory of today classically reproduces the assumption of the state of nature and its theoretical and historical consequences as laid out by the Enlightenment authors. Liberals stress that humanity is essentially one and indivisible, consisting of individuals defined by the capacity for reason. International relations and international morality, therefore, 'is cosmopolitan in the sense that it is concerned with the moral relations of members of a universal community in which state boundaries have a merely derivative significance'.¹⁰⁴ Thus, it is the universal state of nature in which people have not yet set up government that is the starting point of liberal IR theory. Consequently, the institution of the state and the pursuit of national interests can only be justified and respected 'to the extent that they are derived from the interests of persons', that is, only in so far as the state embodies and realizes natural law derived from the state of nature.¹⁰⁵ Just like the Enlightenment writers, Liberals come to the conclusion that a state or a government 'is legitimate if it *would be* consented to by *rational persons* subject to its rule'.¹⁰⁶ The

¹⁰² Raynal, *History of the Indies*, vol. VI, p. 110; see also Montesquieu, *The Spirit of the Laws*, pp. 234f.

¹⁰³ Yet again, I would like to stress that my citing various liberal or realist authors as contributors to one tradition I do not wish to overlook the differences between them. For my argument, however, it is not important whether Morgenthau stresses the individual human nature (see, for example, Morgenthau, *Politics Among Nations* (New York: McGraw-Hill, 1993), pp. 15f) and Waltz the state of nature between states (see, for example, Waltz, *Man, the State, and War*, p. 184); the state of nature is here, by the way, clearly based on the assumption of a 'savage' state of nature, based, mainly—and, I think, falsely—on the writings of Rousseau). Insofar as they both use the concept of the state of nature they both end up concealing the fact that the 'nature' of the individual as well as the 'nature' of the state or the state system is not nature at all: they are the products of culture, of the morally and legally justified practices of interaction between different cultures. And as contributors to one of these cultures—historically in the last 500 years the hegemonic one in the international sphere—I must quote them interchangeably if this culture is the object of my enquiry.

¹⁰⁴ Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), p. 182.

¹⁰⁵ Beitz, *Political Theory and International Relations*, p. 64.

¹⁰⁶ *Ibid.*, pp. 80f, see also p. 88. First emphasis in the original, second emphasis added.

state or government a rational person would consent to is characterized by equality and liberty taken from the state of nature and now realized through the civil institutions of private property and democracy.

In short, the liberal state and its ideology come to be identified as the necessary historical development for overcoming divisions and conflicts in the world. But since humanity has not developed evenly towards the realization of these values through liberal states, 'protecting "native rights" from "native oppressors", and protecting universal rights of property and settlement from local transgressions, introduced especially liberal motives for imperial rule'.¹⁰⁷ However, the end of imperial rule does not signify the end of this dilemma; for 'respecting a nonliberal state's state rights to noninterference requires ignoring the violations of rights they inflict on their own population. Addressing the rights of individuals in the Third World requires ignoring the rights of states to be free of foreign intervention'.¹⁰⁸ The attempt to realize the truly universal individual principles by intervening in non-liberal states has not only led to the destabilization of indigenous political authority and created violent conflicts but also to the 'oppression of "native" liberals'.¹⁰⁹ Nevertheless, the fact that liberal states have been quite successful at establishing and preserving peace amongst themselves is taken to be proof of the universal validity of these principles.¹¹⁰ If they have utterly failed in keeping peace with non-liberal states, in the last analysis, this is due to the backwardness and obstinate resistance of states in which people 'are forced to live in unrepresentative political systems', in societies where liberalism is incomplete.¹¹¹ But just as the extinction of the Amerindian communities for de Tocqueville eventually was due to their own backwardness and did not relativize the universal claim of 'the triumphal march of civilization', so for Fukuyama it is not necessary 'that all societies become successful liberal societies, merely that they end their ideological pretensions of representing different and higher forms of human society'.¹¹² From a liberal point of view History, therefore, can be interpreted as the period of conflicts between different kinds of ideologies, or rather as 'mankind's ideological evolution' in which the 'universalization of Western liberal democracy' after the end of the Cold War marks 'the final form of human government' and therefore the 'end of history'.¹¹³ The world is thus divided into a post-historical part—the liberal states—and a part that is still in history—the nonliberal states: a zone of peace and a zone of war.¹¹⁴ And conflicts are inevitable in the historical phase of humankind which is characterized by cultural difference, by 'pretensions of representing different and higher forms of human society'. However, IR does not have to concern itself with

every crackpot messiah around the world, but only (with) those that are embodied in important social or political forces and movements, and which are therefore part of world history. For our purposes it matters very little what strange thoughts occur to people in

¹⁰⁷ Michael W. Doyle, 'Kant, Liberal Legacies, and Foreign Affairs', in *Philosophy and Public Affairs*, 3 and 4 (1983), p. 331.

¹⁰⁸ Doyle, 'Kant', p. 330.

¹⁰⁹ *Ibid.*, p. 332.

¹¹⁰ *Ibid.*, p. 111.

¹¹¹ Francis Fukuyama, 'The End of History?', in *The National Interest*, 2 (1989), p. 15.

¹¹² *Ibid.*, p. 13.

¹¹³ *Ibid.*, p. 4.

¹¹⁴ *Ibid.*, p. 18.

Albania or Burkina Faso, for we are interested in what one could in some sense call the common ideological heritage of mankind.¹¹⁵

Hence, so long as other cultures do not have the power to seriously threaten the dominant position of the liberal states in the world we can assume that the latter truly represent universal natural law. In the end, the liberal ideology which in the Enlightenment set out to replace might by right thus justifies its right through might.

The state of nature plays just as crucial a role for realist thought as it does for liberal thought in that Realism takes the state to be the one institution that is justified by and in accordance with natural law. Culture is taken to play a major role in the constitution of the state and this cultural unity is the basis on which common principles of justice are developed.¹¹⁶ But unlike Liberals for whom the state is a legitimate institution only insofar as it is built on and embodies certain values taken from the state of nature, Realists hold that 'the state is not the artificial creation of a constitutional convention, conceived in the image of some abstract principles of government and superimposed upon whatever society might exist. On the contrary, the state is part of the society from which it has sprung'.¹¹⁷ It is the institution of the state as such, irrespective of the values it embodies, which Realists hold to be in accordance with natural law and therefore universally valid. Since, as Vattel, Pufendorf and others argued, states become the answer to the state of war amongst humanity by providing peace and the basis of material development among its members, 'international anarchy is the one manifestation of the state of nature that is not intolerable', for the rational calculation of balances of power will ensure the survival of states and, thus, to a certain extent peace and prosperity for the whole world.¹¹⁸ Thus, it is not only acceptable but a moral obligation to contain considerations of culture, values, law, and justice in the domestic sphere and to treat relations between states as the 'realm of power, of struggle, and of accommodation'.¹¹⁹ However, there are two problems with this concept. First of all, historically the European states were confronted with communities that had not developed states. Therefore, despite their attack on the 'utopianism' of the Liberals the Realists ended up imposing the 'utopian' ideal of state building on other societies and excluded the possibility of a moral critique of these policies by defining the state of nature between states as a sphere out of the reach of morality. Secondly, the Realists are confronted with states who do not behave according to this prescription of keeping the passions in the domestic sphere and applying reason to the international; for, as Morgenthau acknowledged, the cultural identity, the 'national character' can drive states towards 'nationalistic universalisms' which cause violent conflicts.¹²⁰ And since this is the reality, 'the hope that reason may one day gain greater control over passions', which according to Gilpin 'constitutes the essence of realism and unites realists of every generation', is another 'utopian' prescription.¹²¹ Meanwhile, if the

¹¹⁵ Fukuyama, 'The End of History?', p. 9.

¹¹⁶ Hans J. Morgenthau, *Politics Among Nations. The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1985), pp. 527, 529.

¹¹⁷ Morgenthau, *Politics Among Nations*, pp. 532f.

¹¹⁸ Martin Wight, 'Why is There No International Theory?', in Herbert Butterfield and Martin Wight (eds.), *Diplomatical Investigations* (London: Allen & Unwin, 1966), p. 31.

¹¹⁹ Waltz, 'Anarchic Orders', p. 111.

¹²⁰ Morgenthau, *Politics Among Nations*, pp. 147ff, 349ff.

¹²¹ Robert G. Gilpin, 'The Richness of the Tradition of Political Realism', in Robert O. Keohane (ed.), *Neorealism and its Critics* (New York: Columbia University Press, 1986), p. 321.

power of non-Western civilizational blocs, as Huntington argues, is rising and threatening the dominant position of the Western states in international relations, the West is perfectly justified in defending its position of economic and military superiority by all means—including the aggravation of conflicts between, in this case, Confucian and Islamic states and intervening in the internal affairs of these states by supporting those groups who are sympathetic to Western values.¹²² Just as in the liberal conception, therefore, the Realists end up justifying the violent domination of non-Western by Western states; and like the former they justify and practice interference in other states for the express purpose of spreading the values derived from a universal state of nature. In the last analysis, just as in the liberal case, the victims of this kind of interference only have to blame themselves because they have not kept their passions within their domestic sphere but challenged the universal validity of the Western concept of the state. The state of nature between states, thus, functions as a veil behind which the West can uphold its dominant position without being exposed to moral criticism. And again, despite the fact that culture—when, against the rules, it spills over into the international sphere—is considered to be the cause of violent conflict, it does not have to be analysed by the discipline of International Relations since the latter is defined by the secular *telos* of a cultureless state of nature. In both approaches, thus, the intellectual analysis of international relations is conflated with the normative prescriptions for future development derived from a concept of the state of nature. And an ideology of dominance which stretches back 500 years to the destruction of the Amerindian communities in the opening thrust of European expansion is perpetuated.

¹²² Samuel Huntington, "The Clash of Civilizations?", in *Foreign Affairs*, 3 (1993), pp. 48f.